

1 Parker, president.

2 The second page is headed RE: Two
3 If By Sea Broadcast Corporation and amended
4 language and signatures of Mr. Parker. It is
5 dated October 27, 1992.

6 Are you familiar with these
7 documents?

8 A Yes, I prepared both pages.

9 Q How do you recall that?

10 A I remember the circumstances. It
11 is both the type and form of documents -- the
12 way I prepared them.

13 Q Describe the circumstances, if you
14 could, by which this came to be prepared.

15 A I received a call, and it could
16 have been from Linda Hendrickson or Michael
17 Parker, I don't recall, saying they had filed
18 an application and had been advised there was
19 a problem and could we help them.

20 Q Did they tell you what the problem
21 was?

22 A May have described it generally, I

1 am pretty sure what I would have done is get
2 a copy of the application and talk to the
3 staff person at FCC to make sure I knew what
4 was needed.

5 Q Do you recall if the person who
6 called you from Two If By Sea told you how
7 they knew there was a problem with the
8 application?

9 A I believe they were notified by the
10 FCC. It is possible that I received a call
11 directly from a staff person since we
12 were -- our name was associated with Two If
13 By Sea and I may have called Linda and said
14 the staff tells me you have filed an
15 application and there is a problem.

16 Q You are confident, am I correct,
17 that you yourself spoke with the staff at
18 some point?

19 A Yes.

20 Q Do you recall what the staff's
21 problem was?

22 A The problem was that the

1 application as filed identified a number of
2 applications of the applicant which had been
3 dismissed, but they didn't specifically state
4 that character issues had been added or
5 requested against the applicant at the time
6 this application was dismissed. There was
7 the omission of a necessary phrase.

8 Q After learning this from the staff,
9 what did you do?

10 A I called up Linda. I am sure it
11 was Linda. I said we know what is wrong with
12 it now and would you like to retain us to
13 prepare something to fix it.

14 Two If By Sea was not an on-going
15 or regular client. We were basically
16 retained on a project basis and then given
17 the nature of that relationship, we asked for
18 a retainer the same as if we would ask of a
19 new client.

20 Once we got the retainer, I
21 prepared an amended statement which is the
22 first page of the exhibit.

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E16

1 Before I talked to either Linda or
2 Mike, I can tell can you that no character
3 issues had been added. They said yes. I
4 printed it up and shipped it out for
5 signature.

6 I would have thought they would
7 have sent it back to me to submit, but this
8 doesn't have a cover letter.

9 I can't be sure whether they gave
10 it back. Looking at the billing ledger, my
11 guess or my belief is that, in fact, they
12 did. That is the first billing resulting in
13 a 408 credit, which is the conversations I
14 have discussed and documents I drafted and
15 the next activities reflected mostly was
16 correspondence with the FCC submitting the
17 amendment.

18 I am not absolutely certain, but
19 that is what I believe.

20 Q When you were advised that there
21 were no character issues added or requested,
22 do you recall who advised you of that?

1 A I don't recall whether it was Mike
2 Parker talking to me or whether Linda
3 responding to my question.

4 Q Did you, in any event when you were
5 advised of that, did you, yourself, undertake
6 any independent research to document the
7 accuracy of that answer?

8 A No.

9 Q Were you asked to?

10 A No.

11 Q Do you recall how the amendment
12 came back to you, if it came back to you?

13 A Signed.

14 Q Would there have been a cover
15 letter with it?

16 A Not necessarily, probably not.

17 MR. COLE: Let me show you one more
18 document. This is a one-page document I
19 would like the court reporter to mark as
20 Exhibit 8.

21 This is a one page letter Brown
22 Nictert letterhead over your, what appears be

1 was no specific discussion of any matters
2 described in the exhibit to the application?

3 A No, there was just simply you have
4 got a whole list of dismissed applications,
5 can you say this to the application.

6 MR. HUTTON: Thank you, I have
7 nothing further. Can we take a break.

8 MR. COLE: Sure.

9 (Recess)

10 BY MR. HUTTON:

11 Q Back on the record, Mr. Kravetz, in
12 the form you were referring to the Norwell,
13 Massachusetts application, section 2 question
14 seven, under item E, the information that is
15 supposed to be provided in the event that any
16 of answers to questions six or 7 is yes?

17 A Yes.

18 Q Specifically items listed there
19 name of a party having interest, nature of
20 interest or connection giving dates and file
21 number of application or docket number and
22 location, correct?

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E19

1 A Yes.

2 Q Has it ever been your understanding
3 that these item require the FCC citation or
4 Piper & Fisher citation if available?

5 A No, I don't see where that is
6 called for.

7 Q When you were compiling the
8 application, did you have any concern that
9 Exhibit 1 did not contain any citations for
10 FCC cases or Piper & Fisher?

11 MR. COLE: Objection. I believe he
12 testified he had nothing do with the
13 compilation of Exhibit 1.

14 BY MR. HUTTON:

15 Q I asked when you compiled the
16 application did you have any concern that
17 Exhibit 1 was insufficient in that it did not
18 include references to FCC cases or Piper &
19 Fisher?

20 MR. SHOOK: We may have to
21 establish foundation whether he head read
22 through it to realize such weren't there.

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1 BY MR. HUTTON:

2 Q Can you answer that question?

3 A I can't tell you for sure, but
4 ordinarily private parties are familiar with
5 the citation or the filing number of cases
6 they are involved with, but not familiar with
7 the how it is recorded in the FCC documents
8 in FCC reports.

9 So it didn't strike me as
10 particularly surprising. He would have put
11 in information he had. He didn't put in the
12 information that a layman usually wouldn't
13 have.

14 Q Did you have any concerns that
15 might cause an application to be delayed or
16 denied by the FCC?

17 A That never occurred to me.

18 Q Would it be fair to say that you
19 were satisfied that the form of this exhibit
20 was legally sufficient?

21 MR. COLE: Talking about Norwell?

22 THE WITNESS: Yes.

1 BY MR. HUTTON:

2 Q Exhibit 1 to the witness.

3 A I don't see where it didn't include
4 information that -- if you notice, there was
5 a memo and opinion orders throughout the
6 whole exhibit which may or may not have been
7 reported and included in the FCC reports.

8 It never occurred to me to the
9 extent that I would have glanced through it,
10 it would never would have occurred to me
11 there was a citation missed.

12 He seemed to know what it was
13 talking about. It listed the application,
14 location and file numbers and orders and what
15 happened to them. I had no reason to doubt
16 that exhibit or think somehow it was
17 insufficient.

18 MR. HUTTON: I have nothing further.

19 FURTHER EXAMINATION BY COUNSEL FOR ACC

20 BY MR. COLE:

21 Q I have one or two more questions.
22 Going back to what Mr. Hutton just asked you.